

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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FRIEDA ABASOVSKI,

Plaintiff,

Case No. 16-CV-1666-PP

v.

CYNTHIA K. TWEEDT, ET AL.,

Defendants.

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**ORDER DENYING MOTION TO PROCEED  
IN FORMA PAUPERIS (DKT. NO. 2) AND DISMISSING COMPLAINT**

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The plaintiff, who is proceeding without a lawyer, filed a complaint relating to events at her workplace that led to her demotion. Dkt. No. 1. The plaintiff alleges that after she raised concerns with her supervisor (defendant Tweedt) about the work performance of one of her colleagues (defendant Pate), she began to be bullied and harassed by her colleagues, and eventually was demoted. *Id.*, at 2-4. The plaintiff seeks to recover lost wages resulting from her demotion, and damages related to pain, suffering, and medical treatment she claims relate to the stress caused by her workplace harassment. *Id.* at 7. She also asks the court to allow her to proceed without paying the filing fees. Dkt. No. 2. The court cannot allow this case to proceed, however, because the complaint fails to state a claim for which this court can grant relief.

If a court finds that the allegations in a complaint have “no possibility of the court having authority to provide relief to the plaintiff,” then the case does

not belong in federal court. Carter v. Homeward Residential, Inc., 794 F.3d 806, 807 (7th Cir. 2015) (citations omitted). In other words, a finding that the complaint, on its face, is frivolous or nonjusticiable is enough to show that the case does not invoke federal jurisdiction. Id. at 808.

The court has reviewed the allegations in the complaint, and has determined that there is no relief that the court can provide to the plaintiff. The plaintiff states that she is suing for a violation of federal law under 28 U.S.C. §1331. Dkt. No. 1, at 7. The facts alleged in the plaintiff's complaint, however, do not state a claim for relief arising under federal law against any of the defendants named in the complaint. The plaintiff does not allege a claim for discrimination and/or retaliation on the basis of race, religion, sex, national origin, age, or disability (all of which are federal causes of action). She alleges only that she was bullied and harassed because of reporting about the work performance of colleagues. There is no federal law that prohibits that kind of bullying or harassment. Because the court finds that the allegations do not plausibly suggest that the defendants' alleged treatment of the plaintiff has violated any federal law, the court lacks subject matter jurisdiction over the plaintiff's claims, and the case cannot proceed in federal court.

The court **ORDERS** that this complaint is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction. The court **DIRECTS** the clerk to enter a judgment dismissing the complaint. The court further **ORDERS**

that the plaintiff's motion for leave to proceed without prepayment of the filing fee is **DENIED** as moot. Dkt. No. 2.

Dated in Milwaukee, Wisconsin this 20<sup>th</sup> day of December, 2016.

**BY THE COURT:**

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

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**HON. PAMELA PEPPER**  
**United States District Judge**